



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: JOHN D. RUSSELL and BRIAN D. RUTKOWSKI

Serial No: 10/798,759

Group Art Unit: 3747

Filed: March 11, 2005

Examiner: John Kwon

Title: SPEED CONTROL METHOD

<input checked="" type="checkbox"/> CERTIFICATE OF MAILING OR TRANSMISSION (37 C.F.R. §1.8(a)). I hereby certify that this correspondence is, on the date shown below, being:		
MAILING <input checked="" type="checkbox"/> addressed to "Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313" and deposited with the United States Postal Service with sufficient postage as first class mail; or	FACSIMILE <input type="checkbox"/> Transmitted by facsimile to the Patent and Trademark Office at Fax No: _____.	
<u>5+</u> Total No. Pages	<u>2-2-05</u> Date	<u>L Barberena</u> Signature, Lauren Barberena

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**INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, 1.98**

Sir:

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97, and 1.98, the following patents, publications, applications, and/or other information are being submitted and disclosed to the Office, including those listed on the enclosed Form PTO-1449, for consideration by the Examiner.

Applicants respectfully request that the disclosed information be made of record and expressly considered by the Examiner during examination of the pending application. Further, Applicants respectfully request that the disclosed items be listed on the face of any patent issuing from the pending application in the "references cited" column.

In accordance with 37 C.F.R. § 1.97 (g), the present information disclosure statement is not a representation that a search has been made.

In accordance with 37 C.F.R. § 1.97 (h), the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, material to patentability.

In accordance with MPEP § 609, Applicants respectfully request that if the present application is a continuing application, all information considered by the Office in the parent application be

considered in the present application, although it need not be listed on the face of the patent unless resubmitted in this or another information disclosure statement filed in this application.

Finally, the present information disclosure statement is not an admission that the information cited in the statement is, or is considered to be, prior art.

BASIS FOR CONSIDERATION BY THE OFFICE UNDER 37 C.F.R. § 1.97

☒ **37 C.F.R. § 1.97(b)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief:

- (1) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d); or
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or
- (3) before the mailing of a first Office action on the merits; or
- (4) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

☐ **37 C.F.R. § 1.97(c)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, before the mailing of any of: a final action under 37 C.F.R. § 1.113, a notice of allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution in the application.

☐ Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☐ Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

OR

☐ A check in the amount of _____ is enclosed.

☐ Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account ____.

☐ **37 C.F.R. § 1.97(d)**

The present information disclosure statement is being filed, to the best of Applicants' knowledge and belief, on or before payment of the issue fee.

☐ Applicants certify that each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement.

☐ Applicants certify that no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 1.56(c) more than three months prior to the filing of the information disclosure statement.

AND

- ☐ A check in the amount of _____ is enclosed.
☐ Please charge the fee set forth in 37 C.F.R. § 1.17(p) to Deposit Account _____.

CONTENT OF INFORMATION DISCLOSURE STATEMENT 37 C.F.R. § 1.98

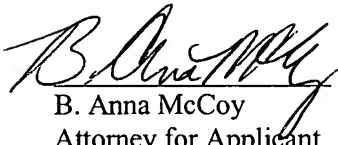
The present information disclosure statement includes any information noted above, along with a Form PTO-1449 (2 pages).

If applicable, a legible copy of the following is being included:

- (1) Each U.S. patent (identified by inventor, patent number, and issue date).¹
- (2) Each U.S. patent application publication (identified by inventor, publication number, and publication date).¹
- (3) Each U.S. patent application (identified by inventor, application number, and filing date).²
- (4) Each foreign patent or published foreign patent application, along with an English language abstract for all non-English foreign patent documents (identified by country or patent office, an appropriate document number, and the publication date).
- (5) Each publication (identified by published, author (if any), title, relevant pages of the publication, date, and place of publication).

If there are any questions regarding this submission, please contact the undersigned.

Respectfully Submitted,



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Ph. 503-459-4141
Fx. 503-459-4142
2/2/2005

¹ No copies are included for applications filed after June 30, 2003 as provided for by the U.S. PTO Waiver dated July 11, 2003.

² No copies are included for U.S. patent applications stored in the USPTO's IFW system as provided for by the U.S. PTO Waiver dated September 21, 2004.

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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/798,759
Filing Date	March 11, 2004
First Named Inventor	John D. Russell
Art Unit	3747
Examiner Name	John Kwon
Attorney Docket Number	81099584

Sheet	1	of	2
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ *Number ⁴ *Kind Code ⁵ (if known)	MM-DD-YYYY			
		DE 196 20 883	11-27-1997			
		DE 38 15 067	09-21-1989			

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/798,759
				Filing Date	March 11, 2004
				First Named Inventor	John D. Russell
				Art Unit	3747
				Examiner Name	John Kwon
Sheet	2	of	2	Attorney Docket Number	81099584

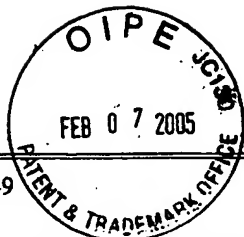
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		KLUTING, FLIERL, GRUDNO and LUTTERMANN; MTZ Magazine, August 1999, "Drosselfreie Laststeuerung miy vollvariablen Ventiltrieben"	✓

Examiner Signature		Date Considered	
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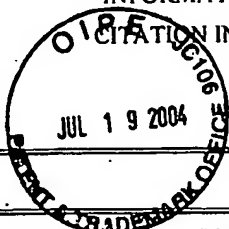
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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SHEET 1 OF 6

FORM PTO-1449		DOCKET NUMBER FGT 3G6DIV2		APPLICATION NUMBER 10/798,759		
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		APPLICANT(S) John D. Russell and Brian D. Rutkowski				
		FILING DATE March 11, 2004		GROUP ART UNIT		
U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
<i>OK</i>	3,548,798	12-22-70	Fleischer			
	4,084,568	4-18-78	Sato et al			
	4,494,506	1-22-85	Hayama et al			
	4,592,315	6-3-86	Kobayashi et al			
	4,651,684	3-24-87	Masuda et al			
	4,700,684	10-20-87	Pischinger et al			
	4,856,465	8-15-89	Denz et al			
	5,019,989	5-28-91	Ueda et al			
	5,022,357	6-11-91	Kawamura			
	5,101,786	4-7-92	Kamio et al			
<i>OK</i>	5,115,782	5-26-92	Klinke et al			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
<i>OK</i>	59194058	11-2-84	JP			Abstract only
	60240828	11-29-85	JP			Abstract only
	62101825	5-12-87	JP			Abstract only
	63032122	2-10-88	JP			Abstract only
	1100316	4-18-89	JP			Abstract only
<i>OK</i>	3916605	11-30-89	DE			Abstract only
OTHER DOCUMENTS						
EXAMINER <i>Kwon</i>			DATE CONSIDERED <i>10/29/2004</i>			



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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	5,152,267	10-6-92	Komatsu et al			
	5,168,851	12-8-92	Itoyama et al			
	5,170,759	12-15-92	Ito			
	5,199,403	4-6-93	Akazaki et al			
	5,357,932	10-25-94	Clinton et al			
	5,365,908	11-22-94	Takii et al			
	5,396,874	3-14-95	Hitomi et al			
	5,414,994	5-16-95	Cullen et al			
	5,517,955	5-21-96	Yoshioka			
	5,548,995	8-27-96	Clinton et al			
	5,606,960	3-4-97	Takahashi et al			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
	0376703	7-4-90	EP			
	2176115	7-9-90	JP			Abstract only
	3009021	1-16-91	JP			Abstract only
	0440314	8-7-91	EP			
	4143410	5-18-92	JP			Abstract only
OTHER DOCUMENTS						
EXAMINER			DATE CONSIDERED			

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
OK	5,628,290	5-13-97	Iida et al				
	5,635,634	6-3-97	Reuschenbach et al				
	5,654,501	8-5-97	Grizzle et al				
	5,666,916	9-16-97	Fujieda et al				
	5,676,112	10-14-97	Bauer et al				
	5,690,071	11-25-97	Jankovic				
	5,692,471	12-2-97	Zhang				
	5,712,786	1-27-98	Ueda				
	5,724,927	3-10-98	Suzuki				
	5,740,045	4-14-98	Livshiz et al				
OK	5,746,176	5-5-98	Damson et al				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OK	4148023	5-21-92	JP			Abstract only	
	5086913	4-16-93	JP			Abstract only	
	0560476	9-15-93	EP				
	4209684	9-30-93	DE			Abstract only	
	4321413	1-5-95	DE			Abstract only	
	9125994	5-13-97	JP			Abstract only	
	9256880	9-30-97	JP			Abstract only	
OK	9303165	11-25-97	JP			Abstract only	
OTHER DOCUMENTS							
EXAMINER KWM			DATE CONSIDERED 10/29/2004				

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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
OK	5,755,202	5-26-98	Stefanopoulou et al	1		
	5,758,493	6-2-98	Asik et al			
	5,765,527	6-16-98	Lehner et al			
	5,791,306	8-11-98	Williamson			
	5,803,043	9-8-98	Bayron et al			
	5,848,529	12-15-98	Katoh et al			
	5,857,437	1-12-99	Yoshioka			
	5,896,840	4-27-99	Takahashi			
	5,913,298	6-22-99	Yoshikawa			
	5,950,603	9-14-99	Cook et al			
OK	5,957,096	9-28-99	Clarke et al			
FOREIGN PATENT DOCUMENTS						
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO
OK	9324672	12-16-97	JP			Abstract only
	2315571	2-4-98	GB			
	10037772	2-10-98	JP			Abstract only
	0831218	3-25-98	EP			
	10220256	8-18-98	JP			Abstract only
	10288055	10-27-98	JP			Abstract only
OK	10288056	10-27-98	JP			Abstract only
OTHER DOCUMENTS						
EXAMINER			DATE CONSIDERED			
KWon			10/29/2004			

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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
OK	5,964,201	10-12-99	Dickers et al	/	/	
	5,967,114	10-19-99	Yasuoka			
	6,000,375	12-14-99	Isobe			
	6,006,724	12-28-99	Takahashi et al			
	6,006,725	12-28-99	Stefanopoulou et al			
	6,009,851	1-4-00	Iida et al			
	6,024,069	2-15-00	Yoshino			
	6,039,026	3-21-00	Shiraishi et al			
	6,055,476	4-25-00	Yoshino			
	6,058,906	5-9-00	Yoshino			
OK	6,070,567	6-6-00	Kakizaki et al	/	/	

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
						YES	NO
OK	1162643	3-5-99	JP	/	/	X	
	19847851	4-22-99	JP			Abstract only	
	11270368	5-10-99	JP			Abstract only	
	9947800	9-23-99	WO			Abstract only	
OK	2338085	12-8-99	GB	/	/		
	0990775	4-5-00	EP				

OTHER DOCUMENTS	

EXAMINER Kwon	DATE CONSIDERED 10/29/2004
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The PTO did not receive the following items(s) 19847851

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER FGT 3G6DIV2	APPLICATION NUMBER 10/798,759	
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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
OK	6,095,117	8-1-00	Minowa et al	1	1	
	6,101,993	8-15-00	Lewis et al			
	6,148,791	11-21-00	Fujieda et al			
	6,170,475	1-9-01	Lewis et al			
	6,178,371	1-23-01	Light et al			
	6,182,636	2-6-01	Russell et al			
OK	6,196,173	3-6-01	Takahashi et al			
	2001/0003329	6-14-01	Sugaya et al			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OK	1020625	7-19-00	EP	1	1		
	1065349	1-3-01	EP				
OK	1074716	2-7-01	EP	1	1		
	1136685	9-26-01	EP				

OTHER DOCUMENTS	

EXAMINER <div style="font-size: 1.5em; font-family: cursive;">Kwon</div>	DATE CONSIDERED <div style="font-size: 1.5em; font-family: cursive;">10/29/2004</div>
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